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OFFICE OF PETITIONS

In re Application of

Ronald L. Mahany

:

Application No. 10/057,816

: **DECISION ON PETITION**

Filed: January 24, 2002

:

Attorney Docket No. 36500ZXD

This is a decision on the "Contingent Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed April 24, 2006. The petition will be treated under 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed July 12, 2005. The notice set a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period. Accordingly, the application became abandoned on August 13, 2005. A Notice of Abandonment has not yet been mailed. The application is abandoned by operation of law, notwithstanding the Office's failure to mail the Notice of Abandonment or to note the application as abandoned in Office records.

The response to the Notice of Non-Compliant Amendment, filed April 26, 2006, is noted.

The request for an extension of time within the fifth month is noted, but cannot be granted as the request was made outside the maximum period for reply. Further, the extension of time is not necessary because the application is already in an abandoned status. The amount of \$2,040.00 will be credited to deposit account 13-0017.

The application is being forwarded to Technology Center 2600, GAU 2618 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions